

guess as to what it might mean, and a whole lot of them are already preparing their own policies—in some cases, already adopting them and enforcing them based on their own anticipation of what the mandate may be. What it means as a practical matter is, you can't sue anyone. You can't sue any administrator in the Biden administration or elsewhere in the Federal Government who is going to be enforcing this because you don't know what they are going to be enforcing. There isn't a dispute ripe for adjudication in any court anywhere because we don't know what that is.

For many people, this entire exercise could be rendered moot in the meantime, not just moot in the sense that the court would lack article III jurisdiction to entertain the dispute in question, but moot in the sense that they might lose their job, moot in the sense that they are going to have to face this awful Hobson's choice between maintaining their ability to provide for their family, on the one hand, and, on the other hand, receiving a medical procedure that they would deem harmful and objectionable based on their religious or other sincerely held beliefs. This is not America; this is not acceptable; and this is not and cannot possibly be constitutional.

We should be able to do this.

I am going to be back tomorrow, the next day, and as long as it takes to keep addressing this issue. Freedom matters, and the Constitution matters. President Biden has ignored them both. Thank you.

VOTE ON PHEE NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Phee nomination?

Mr. MURPHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 388 Ex.]

YEAS—67

Baldwin	Duckworth	Markey
Bennet	Durbin	McConnell
Blumenthal	Gillibrand	Menendez
Blunt	Graham	Merkley
Booker	Grassley	Murkowski
Brown	Hassan	Murphy
Burr	Heinrich	Murray
Cantwell	Hickenlooper	Ossoff
Capito	Hirono	Padilla
Cardin	Inhofe	Peters
Carper	Kaine	Portman
Casey	Kelly	Reed
Collins	King	Risch
Coons	Klobuchar	Romney
Cornyn	Leahy	Rosen
Cortez Masto	Lujan	Rounds
Crapo	Manchin	Sanders

Schatz
Schumer
Shaheen
Sinema
Smith
Stabenow

Sullivan
Tester
Tillis
Van Hollen
Warner
Warnock

Warren
Whitehouse
Wyden
Young

NAYS—31

Barrasso
Blackburn
Boozman
Braun
Cassidy
Cotton
Cramer
Cruz
Daines
Ernst
Fischer

Hagerty
Hawley
Hoeven
Hyde-Smith
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
Paul

Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Thune
Toomey
Tuberville
Wicker

NOT VOTING—2

Feinstein

Moran

The nomination was confirmed.

The PRESIDING OFFICER (Mr. PETERS). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Todd D. Robinson, of New Jersey, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs).

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Mr. MENENDEZ. Mr. President, we heard over the course of many hours last week and, indeed, over the many months that Foreign Affairs nominees have been languishing on the Senate floor, the concerns of the junior Senator from Texas related to the Nord Stream 2 pipeline. We also have heard at length from Members of this body about the humanitarian situation in Afghanistan—from the junior Senator from Missouri.

As I have said publicly and repeatedly, I share my colleague's concerns about the Nord Stream 2 pipeline. He put up a series of my quotes. They are all true. I am still of that view, but I am not of the view that you stop the national security apparatus in order to pursue a policy difference and create a whole host of other serious risks for the United States.

I believe and have said that the evacuation from Afghanistan was fatally flawed. In fact, the Foreign Relations Committee held a hearing and heard from Secretary Blinken about the situation in Afghanistan. The Foreign Relations Committee is holding a briefing tomorrow about the administration's efforts to bolster European energy security to counter Russia's efforts in this area. And I intend to continue oversight of the situation in Afghanistan and why, over the course of 20 years, we have failed.

What I fail to understand is the relationship between the foreign affairs

nominees pending before this body and those topics. These individuals are critical to confronting numerous other global challenges, promoting American values, and advancing the safety, health, and economic well-being of America. We need them confirmed today—today.

I therefore will rise to seek unanimous consent for the confirmation of 10 nominees, including seven career diplomats. Each of them moved through the Foreign Relations Committee with bipartisan support. There is no reason for Republicans to block their confirmation.

Let me speak to them for a minute or two.

This is especially the case at the U.S. Agency for International Development. The Administrator of USAID, Samantha Power, is the only member of that Agency's senior leadership that has been confirmed by this body. Ambassador Power needs her senior leadership team in place. Yet her two deputies are languishing on the floor because of Republican holds.

This Agency is grappling with the impact of the COVID-19 pandemic and other humanitarian emergencies that are ravaging the globe. It simply cannot function at its best without senior leadership. So why is it that Republicans insist on blocking Paloma Adams-Allen and Isobel Coleman, two highly qualified nominees to serve as USAID Deputy Administrators?

Let me take a moment to once again raise Haiti. We hear a lot about Haiti here on the floor, particularly from our Republican colleagues, and the challenge at the border.

Well, in August, a massive earthquake in Haiti killed more than 2,200 people, injured 12,000 more, and destroyed tens of thousands of buildings. This comes after the assassination of Haiti's President. But here, again, Republicans are holding a senior member of Ambassador Powers' team, Marcela Escobari, the nominee to be the Assistant Administrator for Latin America and the Caribbean at USAID. Escobari, who will manage our response to the Haiti earthquake, once confirmed, already held this very job in the Obama administration. Guess what. She was confirmed by voice vote then.

Now we want to deal with the challenge of Haitian refugees coming to the border and other refugees of the hemisphere coming to the border. Let's confirm the USAID Deputy Administrator who will deal with that issue so we can deal with the root causes. How do we create stability in Haiti? How do we provide relief for the Haitian people? How do we create feeding for the Haitian people so they are not fleeing their country? But, no, we are going to stop this nominee who is going to be at the very heart of that. So when you see a new group of Haitian refugees, blame yourself.

We spent many months in this body talking about the challenges posed by the Government of the People's Republic of China. The U.S. Innovation and